

REMARKS

Claims 42-82 are pending in the application, with claims 42, 61, and 71 being the independent claims. Claims 42-82 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Russo (US 5,619,247) in view of Knight (US 6,243,350) and/or in view of Braitberg (WO 01/54410 A2). Acknowledgement of the drawings as formal is respectfully requested.

Claims 42-82

Claims 42-82 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Russo (US 5,619,247) in view of Knight (US 6,243,350) and/or in view of Braitberg (WO 01/54410 A2). Applicants submit Russo, Knight and Braitberg do not disclose the subject matter of the claims.

Independent claims 42, 61, and 71 have been amended to recite “tracking with the reader device how many times a video segment of the plurality of video segments is played, said tracking enabled via the reader device instructing a servo to move to tracks of said multilayer storage medium containing video segments to be viewed.” The Office Action contends that the system of Russo as modified in view of Night “comprises the method of tracking enabled via the reader device.” The “tracking” referred to in claim 42 is “tracking... how many times a video segment...is played.” The “tracking” described in the section of Knight to which the Office Actions refers is “a tracking mechanism to direct the beam to the selected location.” (Col. 21, lines 12-15), which is different than tracking which and how many times a video segment is played. Thus, neither Russo, Knight, nor Braitberg describe “tracking with the reader device how many times a video segment of the plurality of video segments is played, said tracking enabled via the reader device instructing a servo to move to tracks of said multilayer storage medium containing video segments to be viewed,” as recited in claims 42, 61 and 71. For example, Russo describes that a debit will be “triggered by a play command” or “tied to the use of a decompression...or descrambling.” Col. 10, lines 18-21. In contrast, claims 42, 61 and 71 describe tracking “enabled via the reader device instructing a servo to move to tracks of said multilayer storage medium containing video segments to be viewed.”

DOCKET NO.: IVOO-0069
Application No.: 09/781,680
Office Action Dated: January 24, 2006

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Thus, for at least the reasons above, Applicants submit that all the limitations of claims 42, 61, and 71 are not taught or suggested by Russo, Night and Braitberg.

The remaining rejected claims either depend directly or indirectly from claims 42, 61 and 71, thus Applicants submit that all the limitations of these claims are not taught or suggested by Russo, Knight and Braitberg for at least the same reasons presented above. Since all the limitations of claims 42-82 are not taught or suggested by the individual references cited in the rejections by the Office Action, or any combination thereof, for at least the reasons presented above, withdrawal of the rejections is earnestly solicited.

CONCLUSION

Applicants believe that the present reply is responsive to each point raised by the Examiner in the Office Action and Applicants submit that claims 42-82 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited. However, should the Examiner find the claims as presented herein to not be allowable for any reason, Applicants' undersigned representative earnestly requests a telephone conference at (206) 332-1392 with both the Examiner and the Examiner's Supervisor to discuss the basis for the Examiner's continued rejection in light of the Applicant's arguments presented herein. Likewise, should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative would very much appreciate a telephone conference to discuss these issues.

Date: March 14, 2006



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